



STATE OF WISCONSIN Senate Journal

One-Hundred and First Regular Session

11:03 A.M.

TUESDAY, April 9, 2013

The Senate met.

The Senate was called to order by Senate President Pro Tempore Leibham.

CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for session was:

Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Absent with leave - None.

The Senate stood for the prayer which was offered by Tasha Schuh of Ellsworth.

The Senate remained standing and Senator Moulton led the Senate in the pledge of allegiance to the flag of the United States of America.

LEAVES OF ABSENCE

Senator Larson, with unanimous consent, asked that Senator Jauch be granted a leave of absence for part of today's session.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate Amendment 2 to **Assembly Bill 15** offered by Senators Lassa, C. Larson, Risser, Wirch, T. Cullen, Miller, Lehman, Shilling, Harris, Vinehout, Carpenter, Erpenbach, Hansen and L. Taylor.

Senate Amendment 1 to **Senate Bill 29** offered by Senator Miller.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Cowles added as a co-author of **Senate Joint Resolution 16**.

Pursuant to Senate Rule 17 (5), Senator Cowles added as a co-author of **Senate Joint Resolution 17**.

Senator Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 15** be withdrawn and taken up at this time.

Senate Joint Resolution 15

Relating to: commending Ms. Tasha Schuh for being crowned Ms. Wheelchair USA.

Senator Hansen, with unanimous consent, asked that all members of the Senate be added as coauthors of **Senate Joint Resolution 15**.

The question was: Adoption of **Senate Joint Resolution 15**?

Adopted.

Senator Fitzgerald, with unanimous consent, asked that the Senate recess.

11:17 A.M.

RECESS

11:46 A.M.

The Senate reconvened.

Senate President Pro Tempore Leibham in the chair.

ADVICE AND CONSENT OF THE SENATE

Senator Fitzgerald, with unanimous consent, asked that all appointments, with the exception of Kitty Rhodes, be taken up en masse.

BARR, JAMES of Chetek, as a member of the Medical Examining Board, to serve for the term ending July 1, 2016.

BECHTEL, BARBARA of Brown Deer, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 2017.

BERRY, SHARI of Tomah, as a member of the Physical Therapy Examining Board, to serve for the term ending July 1, 2016

CLEMENTI, CARL of Hartland, as a Licensed Appraisers of the Real Estate Appraisers Board, to serve for the term ending May 1, 2016.

DIETSCH, JAMES of De Pere, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending July 1, 2019.

GROH, FRANCIS of Appleton, as a member of the Cemetery Board, to serve for the term ending July 1, 2016.

HUCK, LEONARDO of Thiensville, as a Dentist 3 on the Dentistry Examining Board, to serve for the term ending July 1, 2017.

JENSEN, DOREEN of Oshkosh, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2016.

LEAZER, LYNN of Verona, as a member of the Wisconsin Judicial Commission, to serve for the term ending August 1, 2015

LENGELL, ERIC of Milwaukee, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2016

MAXWELL, MICHAEL of Waukesha, as a WI Bar Rep 1 on the Public Defender Board, to serve for the term ending May 1, 2014.

MCNALLY, VICKY of Edgerton, as a member of the Cosmetology Examining Board, to serve for the term ending July 1, 2016.

MICECH, JAMES of Jackson, as a Building Inspector on the Building Inspector Review Board, to serve for the term ending May 1, 2015.

NAGLE, KATHLEEN of Fond Du Lac, as a Chairman of the Parole Commission, to serve for the term ending March 1, 2015.

PELLMANN, LINDA of Oconomowoc, as a member of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2015

REARDON, LISA of Nashotah, as a member of the UW Hospital and Clinics Authority Board, to serve for the term ending July 1, 2015.

RUPNOW, CLYDE of Watertown, as a member of the Cemetery Board, to serve for the term ending July 1, 2016

SIZE, TIM of Madison, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending July 1, 2018.

SURPRISE, JAMES of Wautoma, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 2018.

VUKICH, DR. CAROLYN OGLAND of Madison, as a Doctor-Medicine 4 on the Medical Examining Board, to serve for the term ending July 1, 2017.

WAGNER, TAMMY of Stevens Point, as a Real Estate Sales/Broker2 on the Real Estate Examining Board, to serve for the term ending July 1, 2017.

WALL, EDWARD of Windsor, as a member of the Prison Industries Board, to serve for the term ending May 1, 2015.

The question was: Confirmation en masse?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 32.

Noes - None.

Absent or not voting - Senator Jauch - 1.

Confirmed.

RHOADES, KITTY

Of Hudson, as Secretary of the Department of Health and Family Services, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 32.

Noes - None.

Absent or not voting - Senator Jauch - 1.

Confirmed.

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND JOINT RESOLUTIONS NOT REQUIRING A THIRD READING

Senate Joint Resolution 16

Relating to: commending the Spring Valley High School National Ocean Sciences Bowl Team for winning the 12th Annual Lake Sturgeon Bowl Regional Competition.

The question was: Adoption of **Senate Joint Resolution 16**?

Adopted.

Senate Joint Resolution 17

Relating to: declaring April 2013 Donate Life Month.

The question was: Adoption of **Senate Joint Resolution 17**?

Adopted.

Senator Fitzgerald, with unanimous consent, asked that all action be immediately messaged to the Assembly:

Senate Joint Resolution 15
Senate Joint Resolution 16
Senate Joint Resolution 17

Messaged.

**SECOND READING AND AMENDMENTS OF
SENATE JOINT RESOLUTIONS AND
SENATE BILLS**

Senate Bill 29

Relating to: creating an off-road vehicle council.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 29**?

Adopted.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 29

Read a third time and passed.

Senate Bill 32

Relating to: age and speed restrictions on, and safety certification requirements for, the operation of all-terrain vehicles and utility terrain vehicles.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 32**?

Adopted.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 32

Read a third time and passed.

Senator Fitzgerald, with unanimous consent, asked that all action be immediately messaged to the Assembly:

Senate Bill 29
Senate Bill 32

Messaged.

Senate Bill 35

Relating to: powers and duties of an electric transmission company and certificates of public convenience and necessity and permits for certain electric generating facilities and high-voltage transmission lines.

Read a second time.

The question was: Adoption of Senate Amendment 2 to **Senate Bill 35**?

Adopted.

The question was: Adoption of Senate Amendment 3 to **Senate Bill 35**?

Adopted.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 35

Read a third time.

The question was: Passage of **Senate Bill 35**?

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 32.

Noes - Senator Erpenbach - 1.

Absent or not voting - None.

Passed.

Senate Bill 55

Relating to: costs of replacement or relocation of certain municipal utility facilities required by the construction of a freeway and eligibility for the safe drinking water loan program.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 55**?

Adopted.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 55

Read a third time and passed.

Senator Fitzgerald, with unanimous consent, asked that all action be immediately messaged to the Assembly:

Senate Bill 35
Senate Bill 55

Messaged.

**SECOND READING AND AMENDMENTS OF
ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS**

Assembly Bill 15

Relating to: payment of unemployment insurance benefits under a work-sharing program.

Read a second time.

Senator Farrow moved that Senate Amendment 2 to **Assembly Bill 15** be laid on the table.

The question was: Shall Senate Amendment 2 to **Assembly Bill 15** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Petrowski, Schultz, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 15.

Absent or not voting - Senator Olsen - 1.

Tabled.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 15

Read a third time

Senator Fitzgerald, with unanimous consent, asked that the Senate recess.

12:55 P.M.

RECESS

2:46 P.M.

The Senate reconvened.

Senate President Ellis in the chair.

The Chair noted the possible lack of a quorum.

The roll was taken and a quorum was present.

Senator Cullen moved that **Assembly Bill 15** be referred to the committee on **Senate Organization**.

The question was: Shall **Assembly Bill 15** be referred to the committee on **Senate Organization**?

The ayes and noes were demanded and the vote was ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout, and Wirch – 15.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany, and Vukmir – 18.

Absent or not voting – None.

Referral refused.

The question was: Concurrence of **Assembly Bill 15**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany and Vukmir - 18.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 15.

Absent or not voting - None.

Concurred in.

Senator Fitzgerald, with unanimous consent, asked that all action be immediately messaged to the Assembly:

Assembly Bill 15

Messaged.

**ANNOUNCEMENTS, ADJOURNMENT
HONORS, AND REMARKS UNDER
SPECIAL PRIVILEGE**

Senator Vukmir, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Margaret Thatcher, the Iron Lady, who passed away yesterday. Lady Thatcher’s imprint on history goes well beyond being the first woman Prime Minister of Britain. She jointed our President, Ronald Reagan and Pope John Paul II to lead the charge against communism. She has been an inspiration to many who watched her lead by balancing both grace and strength.

Senator Petrowski, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Command

Sergeant Major John W. Vacho, of Ladysmith. CSM Vacho is retiring from his post after nearly 39 years of service.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Carol Olson. She was a wonderful mother, grandmother and community activist where she worked for the Racine Labor Paper and the Racine United Way. She lost her battle with Leukemia and will be missed by many people in Southeastern Wisconsin.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her new grand-nephew, Oliver Darling. Oliver was born last week, but this week he is being flown from Portland to California for a heart transplant. Senator Darling would like to thank Senator Olsen and others for the reminder that the month of April is Organ Transplant Awareness month.

Senator Harris, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Equal Pay Day and the two-thirds of women in the United States who are the main or co-breadwinners in their families.

Senator Lehman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of David Garringer, a Senate Scholar from Pleasant Prairie and his commitment this week to learn about Wisconsin government. Senator Lehman would also like to give special thanks to Erin Allers and Ted Blazel, the Sergeant at Arms, for creating and carrying out this wonderful school of democracy.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Dorothy Wenzel of Stratford who will be celebrating her 100th birthday on April 15, 2013.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Ruth Louise Johnson, who will be celebrating her 100th birthday on April 17, 2013. Ruth was born to Charlie and Amelia Peterson in the Town of Lanark, Portage County, as the first of six children. Ruth has lived most of her life in Portage County. She graduated from Amherst High School in 1928 and studied to be a teacher at Stevens Point State Teachers College. Ruth married Josef Johnson in 1935 and celebrated 55 years of marriage. Ruth was a homemaker, who raised two children and worked part-time to help put them both through college. She now has two grandchildren and three lively great-grandchildren. She attended St. Paul Lutheran church and was active in the Ladies Aid Society and the Quilting Circle. She also gardened, canned fruits and vegetables and loved her beautiful flower garden.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Green Bay Preble High School, who was just ranked the #5 school in Wisconsin by US News and World Report.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jessica Franco, a Senate Scholar from Green Bay, who is here this week.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Bob Langmesser. Bob was the town of Waterford Chairman for 22 years. Bob has always been very passionate about all things related to the town of Waterford. During his 22 years as Chairman, Bob worked to create a roadside pickup program, town wide rip-rap program and the Fox River Commission. He has helped with community service programs, as a member of the Michigan Lions Club, such as the Easter egg hunt and parade. Senator Lazich would like to thank Bob for all of his years of service and dedication.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of life-long New Berlin resident Robert Egofske, who passed away on March 20, 2013, at the age of 82. Robert was a Korean Conflict Veteran who was married to Muriel for 60 years. Robert and Muriel have six children, nine grandchildren, and four great-grandchildren.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of former Waukesha Mayor Joseph LaPorte, who passed away at the age of 91 on February 17, 2013. Joseph served four terms on as an Alderman in Waukesha before serving as the mayor of Waukesha. He also served as an alderman and Waukesha County Supervisor. Joseph was a World War II Veteran who served in both the European and Pacific theaters and earned three Battle Stars. Joseph and his wife Marion have two daughters, four grandchildren, and five great-grandchildren.

Senator Shilling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Tim Kabat, who was elected the new mayor of La Crosse last Tuesday. Senator Shilling would also like to adjourn in honor of all the men and women who ran for local office this spring. School board members, city council members, and other local government elected officials are closest to the people they represent, and the Senator would like to thank all the candidates who were elected or re-elected and everyone who was willing to step forward to serve as representatives for their communities.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Tasha Schuh from Ellsworth, WI, who in July 2012 was crowned Ms. Wheelchair USA. Ms. Schuh is truly an inspiration as she speaks of her tragic fall 15 years ago that left her a quadriplegic. Her positive message is an inspiration to all those who meet her. The Senators welcome her to the Senate today and wish her all the best in her travels as Miss Wheelchair USA.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Spring Valley High School National Ocean Sciences Bowl Team for winning the 12th Annual Lake Sturgeon Bowl Regional Competition. The Spring Valley Team will be competing at the National Ocean Sciences Bowl Finals Competition later this month. Senator Harsdorf wishes Coach Michele Huppert and team members, Sarah Sortedahl, Ashley

Ehman, Rec Gould, Claire Arneson, and Tyler O'Keefe, all the best in the National Ocean Sciences Bowl Finals Competition.

ADJOURNMENT

Senator Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Thursday, April 11, 2013.

Adjourned.

3:22 P.M.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 58

Concurred in:

Senate Joint Resolution 15

Senate Joint Resolution 17

Senate Bill 35

Senate Bill 55